

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

I. GRIFFIN,

Plaintiff,

Case No. 21-cv-693-pp

v.

WEST ALLIS POLICE DEPARTMENT,
WEST ALLIS MEMORIAL HOSPITAL,
WEST ALLIS POLICE OFFICER HOFF,
WEST ALLIS POLICE OFFICER LEHMAN,
WEST ALLIS POLICE OFFICER JACOBSON,
and WEST ALLIS POLICE OFFICERS JANE & JOHN DOE(S),

Defendants.

ORDER DISMISSING CASE WITH PREJUDICE

On August 31, 2021, the court issued an order granting the defendants' motions to dismiss without prejudice but giving the plaintiff the opportunity to amend her complaint to try to allege facts that might state a claim against one or more of the defendants. Dkt. No. 10. In a twelve-page order, the court explained the deficiencies in the original complaint and what the plaintiff needed to do to remedy those deficiencies. The court ordered that the plaintiff must file that amended complaint in time for the court to receive it by the end of the day on September 21, 2021. Id. at 11. The court explained that if it did not receive the amended complaint by the end of the day on September 21, 2021, the court would dismiss the case "with prejudice," meaning that the plaintiff would not be able to file the same claims again in federal court. Id.

September 21, 2021 has come and gone and the court has not received from the plaintiff an amended complaint. On September 7, 2021, it received from the plaintiff a document titled “Affidavit of Substitute Service.” Dkt. No. 22. In its August 31, 2021 order, the court explained to the plaintiff that (a) she could not file a lawsuit in federal court on behalf of Cherakei Griffin (dkt. no. 21 at 4-6) and that (b) she could not proceed “*ex rel.*” because she had not sued under a statute that provided for *qui tam* litigation or demonstrated that she had met the procedural requirements for acting as a relator (dkt. no. 21 at 6-7). Despite the court’s order, the “Affidavit of Substitute Service” the court received from the plaintiff on September 7, 2021 stated that the plaintiff was filing it as next of kin and next friend for Cherakei Griffin and was captioned, “United States ex rel I. Griffin.” Dkt. No. 22 at 1. It listed as defendants, “West Allis Police Department et el.” Id. It stated that “[a]fter due diligence the above named defendants could not be personally served,” and stated that the plaintiff paid a local newspaper—which she did not identify—to run a legal notice for three weeks and mailed copies of the summons and complaint to the defendants at their last known addresses. Id.

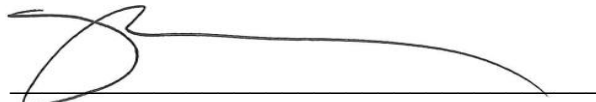
The plaintiff has not complied with the court’s August 31, 2021 order. She did not file an amended complaint by the deadline the court set. A week after the court issued its August 31, 2021 order, she filed a document on behalf of someone else even though the court had told her she could not do so, and listed herself as a relator even though the court found she had not demonstrated that she was qualified to proceed in that fashion. The court

already has found that the original complaint failed to state a claim for which a federal court may grant relief, and now the plaintiff has demonstrated that she cannot or will not follow the court's orders.

The court **ORDERS** that this case is **DISMISSED WITH PREJUDICE**.
The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 23rd day of September, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge